



TRIBAL EXECUTIVE COMMITTEE

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Forest Service Response

September 14, 2005

Steve Williams
Nez Perce National Forest Route 2, Box 475 Grangeville, ID 83530

RE: Nez Perce Tribe Comments on the Red Pines DEIS

The Nez Perce Tribe appreciates this opportunity to comment on the Forest Service's proposed Red Pines Project. I would like to take a moment to thank the forest service staff for coming out to Lapwai on August 29th, and meeting with the Tribe's technical staff regarding the design of the project. The Forest Service has done an admirable job working with the Tribe on this project, and incorporating the Tribe's comments in the development of the plan. Hopefully this positive working relationship can continue well into the future.

As you know, the Nez Perce Tribe vigorously protects its treaty reserved resources. As the project occurs completely within the Nez Perce Tribe's ceded territory, and has the potential to adversely affect tribal trust resources, the Tribe has taken a particular interest in this project, as well as the other proposed projects in the South Fork Clearwater River subbasin. The Nez Perce Tribe invests significant resources into bringing salmon and steelhead back to the South Fork Clearwater River, and all of these projects have the potential to severely impact these efforts.

Response 6-1.

Thank you for meeting with us.

Response 6-2. Tribal treaty rights.
Comment acknowledged.

Based on the Forest Service's incorporation of many of the Tribe's previous comments on this project, the Tribe has very few additional comments to make. The following represents the Tribe's few remaining comments and suggestions for the project:

Cumulative Effects

The Tribe's main concern regarding this and other S. Fork Clearwater projects is the cumulative impact issues from past, present and future activities in the area. The river system is already in a highly degraded state resulting from decades of poor land management activities and mining. As a result, any new activities in the area have a high potential to worsen the effects of these past activities.

There are no less than four other proposed or currently implemented projects in the S. Fork Clearwater River subbasin. All of these projects will combine with the effects from past activities, as well as with other current and ongoing impacts, such as an extensive road network and mining activities. Impacts, primarily sediment, from these projects are likely to severely impact fish and their habitat in this subbasin. The Tribe is concerned that the cumulative effects analysis in the FEIS may not have adequately disclosed the full extent of these impacts.

Response 6-3. Changes from Draft to Final EIS.
Comment acknowledged.

Response 6-4. Cumulative Effects to SF Clearwater River.

The Nez Perce Forest has conducted an extensive cumulative effects analysis for the South Fork Clearwater River. This analysis is presented in the FEIS on starting on page 3-76. A more extensive description of the analysis and results is included in the Final Biological Assessment for TES fish species. The results of this analysis are summarized below for Alternative E and located in the project file.

An analysis of cumulative temperature effects to the South Fork Clearwater River has been completed as well. This analysis begins on page 3-81 of the FEIS.

Alternative E was designed to result in an upward trend in all Red River subwatersheds potentially affected by fuel treatment activities. Fuel treatment activities are not proposed in every subwatershed in Red River. Watershed restoration activities are not proposed in every subwatershed in Red River. Watershed restoration activities are, however, proposed in the same watersheds where fuel treatments would occur, and in some subwatersheds where fuel treatments are not proposed. This complies with upward trend direction in the Forest Plan. Proposed watershed restoration activities are summarized by subwatershed and presented in the Red Pines FEIS starting on page H-32.

The following activities could be modeled.

¹Existing sediment yield includes the South Fork Clearwater base yield plus all modeled activity yield upstream of Mount Idaho bridge, **including** Whiskey-South, American-Crooked, and Meadow Face.

²Existing activity yield is simply the difference between the base yield and the existing yield.

³Activity yield by only includes yield generated by the modeled activities in Alternative E, routed to the Mount Idaho bridge.

⁴Red River Total Routed Yield includes Alternative E plus Whiskey-South and Upper Red River Restoration

Natural (Base) Sediment Yield ² (tons/year) of South Fork Clearwater River	Existing Sediment Yield ¹ (tons/year) South Fork Clearwater River	Existing Activity Yield ² (tons/year) South Fork Clearwater River	Activity Yield for Red Pines Alternative E in 2005 ³ (tons/year)	Red River Total Routed Yield w/ Alt. E ⁴ (tons/year)	Red Pines Alt. E (2005) Percent of SF Total Activity Yield ⁷	Red Pines Percent of SF Existing Total Yield (2005)
13,400	14,700	1,200	54	1,551	4.5	0.37

Roads

Based largely on the cumulative impacts described above, the Nez Perce Tribe is always concerned about new or temporary roads. The Tribe acknowledges and appreciates that the Forest Service is seeking to limit temporary roads, and is planning to decommission over 100 miles of road in the proposed alternative. However, there are hundreds of miles of roads in the project area, many of which are unnecessary and contribute to the sediment input to the S. Fork Clearwater River. As such, the Tribe strongly encourages the Forest Service to explore options to find additional roads to decommission.

Further, the Tribe requests that all decommissioned roads are obliterated, rather than merely blocked.

Additional water and sediment filtration through obliterated roads will greatly lessen sediment impacts on the fishery resource.

The Tribe also requests that the Forest Service, to the best of its ability, design the project and schedule the timing of the project so that temporary roads can be laid, used, and decommissioned in the same season as use. This will minimize the impact that these roads will have on fish habitat and water quality.

Response 6-5. More roads decommissioning. Method. Mitigation.

The Forest acknowledges there are more roads to be considered for decommissioning that were identified in the Red River EAWS. At this time the Red Pines project plans to treat 104 miles. Future forest projects will consider decommissioning of roads not needed for the transportation system.

Response 6-6. Obliteration/Decommissioning.

FEIS - Appendix H, Table H3-a, lists the recommended treatment by road number by watershed for Alternative E. Roads where abandonment is proposed are roads where access is not now available or will not be available after the access road has been re-contoured and the road has no stability/sedimentation issues. The final determination of the type of road decommissioning (recontour or abandonment) will be made on the ground before implementation by a hydrologist, soil scientist and/or fisheries biologist.

Response 6-7. Sediment filtration and obliteration.

Sediment filtration will be used on road decommissioning and instream activities. See Project Design Measure # 17 (FEIS, Chapter II, Page 1-16, Table II-2).
At this time

Response 6-8. Scheduling and timing of implementation.

At this time temporary roads may be used from 1 year but not longer than 3 years before they are required to be decommissioned. The timing of decommissioning will be based on the activities on that temporary road.

Funding

The Nez Perce Tribe encourages the Forest Service to explore all of the available options to acquire funding to implement the restoration activities. The Tribe hopes that it can be partners in this process, and will do its best to explore funding options available to it. The Tribe has already met with Forest Service officials in Washington D.C. to press for additional funding for this region; and will continue pressing for funding to support the Forest Service's approach in the Red pines project. We are currently developing a strategy to push for funding of the Red Pines restoration projects; and we will work to meet with the Idaho Congressional delegation to advocate for restoration and fuel reduction appropriations.

Additionally, the Tribe would like to see the Forest Service do its best to rework the project so that stewardship contracting can be used in every possible manner. The Tribe has continuously pushed for expanded use of the stewardship contracting power by the Forest Service as a way to keep revenues in the project area. The Tribe acknowledges that the revenue potential of the harvest activities in the area is low. However, the Tribe encourages the Forest Service to seek regional NFTM money to cover the costs associated with preparing the harvest; and in turn use the additional revenue for stewardship contracting.

Response 6-9. Funding options.

Thank you for the Tribes support in acquiring funding.
Comment acknowledged.

Response 6-10. Stewardship contracting.

The Forest is considering Stewardship contracting and other contracting methods.

Other Aquatic Habitat Impacts

The Tribe is pleased to see that the new alternative E was designed to avoid a downward trend in fish habitat. In order to further that goal, the Tribe strongly encourages the Forest

Service to remove any non-restoration activity in designated RHCA's. Any activity in the sensitive RHCA's has a high likelihood of adverse impacts on aquatic habitat and slows the recovery these areas have been making in recent years.

Additionally, the Tribe encourages the Forest Service to limit stream crossings in the project to the utmost degree. The Tribe is pleased to see that the Forest Service is taking steps to reduce the impacts of stream crossings by proposing to improve existing crossings. The Tribe hopes that the Forest Service will do its best to implement the project so as to not require new crossings, and limit the number of current crossings that will be used.

Restoration Activities

The Tribe commends the Forest Service for designing a project where restoration activities are mandatory. The Tribe feels that this is the best way to assure that the project area will have an upward trend in fish habitat potential. The Tribe frequently found that discretionary restoration activities rarely occurred because of a lack of funding. Mandatory restoration is the only way the Tribe feels that invasive land management activities can take place at the same time as the recovery of endangered and threatened salmon and steelhead. The Tribe will do its best to push for funding of these types of activities, and encourages the Forest Service staff to enter into a dialogue with the Tribal staff if they have any ideas on this front.

Response 6-11. Alternative E, trend.
Comment acknowledged.

Response 6-12. RHCA treatments.
Alternative B, the proposed action, is the only alternative that proposed fuels reduction treatments within RHCA's.

Response 6-13. Stream crossing and impacts.
There are 8 estimated stream crossings proposed with Alternative E. See the FEIS, Chapter III, Page 3-107, Table III-43.

Response 6-14. Restoration activities, upward trend, funding.
The Forest will continue to work with the Nez Perce Tribe during the implementation of the Red Pines project.

Design and Implementation of Future Projects

The Tribe has enjoyed working with the Forest Service in helping to design the project so as to reduce its impacts to tribal trust resources. The Tribe would like to see the Nez Perce NF take the lead in the region in developing projects which achieve the purpose and need of the project while avoiding adverse impacts, and working to improve existing aquatic conditions. The Nez Perce Tribe believes it would be helpful for the Forest Service, BLM, NOAA Fisheries and the Tribe to develop a checklist for design and implementation of projects in this region. A primary component of this checklist should be taken from the design of the Red Pines project, where restoration activities are made mandatory, and management activities cannot go forward unless restoration funding is currently available. The Tribe believes that having a unified approach to planning and design is the best way to achieve the goal of an upward trend in fish habitat on the National Forests and BLM lands in the region.

Thank you again for the opportunity to comment on the Red Pines project. If you have any questions, comments or concerns, please contact Ryan Sudbury, with the Tribe's Office of Legal Counsel, at 208-843-7355; or Dave Johnson, with the Tribe's Department of Fisheries Resource Management, at 208-843-7320.

Sincerely,

/s/ Rebecca Miles
Rebecca Miles, Chairman
Nez Perce Tribe Executive
Committee

Response 6-15. Design and implementation of future projects.
Suggestion acknowledged.